

# HB497 INTRODUCED



1 HB497  
2 5VXHS3M-1  
3 By Representative Easterbrook  
4 RFD: State Government  
5 First Read: 24-Feb-26



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SYNOPSIS:

Under existing law, the Alabama Department of Mental Health (ADMH) is authorized to establish standards for its facilities and providers, and pursuant to that authority, has established the ADMH Division of Development Disabilities Community Incident Prevention and Management System (IPMS), which sets requirements for service providers certified by ADMH to protect individuals receiving services for developmental and intellectual disabilities.

This bill would establish critical incident type classifications and provider reporting requirements for certain incident types for use in the Division of Developmental Disabilities Community Incident Prevention and Management System.

This bill would require ADMH to adopt and amend rules and policies as necessary for implementation.

This bill would also prohibit ADMH from requiring or adopting more stringent incident reporting requirements than the requirements provided for by this act or by federal law or regulations.

A BILL  
TO BE ENTITLED



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AN ACT

29  
30  
31 Relating to the Alabama Department of Mental Health  
32 (ADMH); to establish critical incident type classifications  
33 and provider reporting requirements for certain incident types  
34 for use within the ADMH Division of Developmental Disabilities  
35 Community Incident Prevention and Management System (IPMS); to  
36 provide for implementation and adoption of the IPMS; and to  
37 prohibit ADMH from adopting more stringent reporting  
38 requirements in certain circumstances.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. (a) For the purposes of this section, the  
41 following terms have the following meanings:

42 (1) ADMH. The Alabama Department of Mental Health.

43 (2) CRITICAL INCIDENT. An occurrence or event, severe  
44 in nature, scope, and potential consequences, involving a  
45 recipient that warrants immediate action.

46 (3) ELECTRONIC MANAGEMENT SYSTEM. A web-based system  
47 used to identify, report, investigate, resolve, track, and  
48 trend critical incidents.

49 (4) ELOPEMENT. Occurs when a recipient cannot be  
50 located and there is reason to believe the recipient may be  
51 lost or in danger.

52 (5) EXPLOITATION. The expenditure, diminution, or use  
53 of the property, assets, or resources of recipients subject to  
54 protection under the Chapter 9 of Title 38, Code of Alabama  
55 1975, without the express voluntary consent of that recipient  
56 or legally authorized representative. The term includes, but



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57 is not limited to, improperly requesting a recipient to  
58 perform an employee's work responsibilities, services, or  
59 tasks for the employee; requesting, taking, or receiving  
60 money, gifts, or other personal possessions from a recipient;  
61 or utilizing a recipient to engage in conduct with other  
62 recipients which would be prohibited if performed by an  
63 employee.

64 (6) LAW ENFORCEMENT INVOLVEMENT. Any situation where  
65 law enforcement is called to request assistance for a  
66 recipient who is exhibiting extreme behavior, to provide  
67 notice of an accident, or to report a crime, and when no one  
68 is arrested, charged, or incarcerated.

69 (7) MAJOR INJURY. Any observable and substantial injury  
70 that is not considered a moderate injury and that results in  
71 permanent or protracted impairment, such as a serious  
72 fracture, a major wound requiring sutures, injury to an  
73 internal organ, a burn, or a physical disfigurement of the  
74 body, which typically require medical treatment and may result  
75 in hospitalization.

76 (8) MEDICATION ERROR. Occurs when a recipient receives  
77 a wrong medicine, wrong dose, medication given at a wrong  
78 time, medication administered by a wrong route, or when the  
79 medication is not given for the right purpose or if there is a  
80 documentation error.

81 (9) MISTREATMENT. Any act or threat of intimidation,  
82 harassment, or similar deed to cause harm or create the fear  
83 of harm to a recipient. The term includes the willful or  
84 reckless infliction of emotional or mental anguish or the use



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85 of a physical or chemical restraint, medication, or isolation  
86 as punishment or as a substitute for treatment or care of a  
87 recipient. The term also includes, but is not limited to,  
88 using physical or non-verbal gestures as a means of  
89 intimidation, withholding of or the threat of withholding  
90 physical necessities or personal possessions as a means of  
91 intimidation for control of the recipient, or making false  
92 statements as a means of confusing, frightening, or badgering  
93 the recipient.

94 (10) MODERATE INJURY. Any observable and substantial  
95 impairment of a recipient's physical health requiring medical  
96 treatment that is not considered a major injury and that does  
97 not cause a substantial risk of death, a permanent  
98 disfigurement, or a protracted loss or impairment of the  
99 function of a bodily member or organ. The term includes, but  
100 is not limited to, superficial fractures and wounds requiring  
101 sutures that do not result in permanent disfigurement.

102 (11) NEGLECT. The intentional or unintentional failure  
103 of a provider to provide food, shelter, clothing, medical  
104 services, supervision, or basic needs for safety for a  
105 recipient who is unable to care for himself or herself. The  
106 term includes self-neglect.

107 (12) PEER-TO-PEER PHYSICAL ASSAULT. A type of physical  
108 abuse in which two or more recipients engage in intentional,  
109 reckless, or aggressive behavior that results in a moderate or  
110 major injury to another recipient.

111 (13) PEER-TO-PEER SEXUAL ASSAULT. A type of sexual  
112 abuse wherein two or more recipients engage in unwanted or



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113 non-consensual sexual contact or activity.

114 (14) PHYSICAL ABUSE. The intentional infliction of  
115 physical pain, injury, or willful deprivation of services  
116 necessary to maintain physical and mental health by a provider  
117 or provider employee to a recipient. The term shall include,  
118 but not be limited to, hitting, kicking, pinching, slapping,  
119 or otherwise striking a recipient, and the use of excessive  
120 force regardless of whether an injury results.

121 (15) PROVIDER. Any individual, agency, organization,  
122 contractor, or group certified by ADMH to offer services for  
123 individuals with developmental and intellectual disabilities  
124 through ADMH Division of Developmental Disabilities.

125 (16) RECIPIENT. An individual with developmental or  
126 intellectual disabilities who receives services from a  
127 provider.

128 (17) RESTRICTIVE INTERVENTION. Any use of physical,  
129 mechanical, or chemical restraints to immobilize or reduce the  
130 ability of a recipient to move his or her arms, legs, body, or  
131 head freely.

132 (18) RIGHTS VIOLATION. The unlawful interference,  
133 denial, or infringement of a recipient's fundamental freedoms  
134 and legal entitlements, including discrimination and  
135 retaliation.

136 (19) SECLUSION. The involuntary confinement of a  
137 recipient alone in a room or an area where the recipient is  
138 physically prevented from leaving.

139 (20) SELF-NEGLECT. A type of neglect in which the  
140 recipient fails to provide for his or her own basic needs when



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141 the failure is the result of the recipient's mental or  
142 physical inability, and the failure substantially endangers a  
143 recipient's health, safety, welfare, or life.

144 (21) SERVICES. Supports provided for recipients living  
145 with developmental and intellectual disabilities that are  
146 designed to meet the needs of the recipient and are part of a  
147 coordinated system of care.

148 (22) SEXUAL ABUSE. Any offense under Article 4, Chapter  
149 6, Title 13A, Code of Alabama 1975, which is perpetrated by  
150 anyone. The term includes, but is not limited to, unwanted or  
151 non-consensual sexual contact or activity using force,  
152 coercion or threats, rape, incest, sodomy, and indecent  
153 exposure.

154 (23) SUICIDE ATTEMPT. An act committed by a recipient  
155 in an attempt to cause his or her own death, limited to the  
156 actual occurrence of an act. The term does not include verbal  
157 suicidal threats by a recipient.

158 (24) UNEXPLAINED OR UNEXPECTED DEATH. The permanent  
159 suspension of consciousness and the end of life due to an  
160 unknown or unanticipated cause. At a minimum, unanticipated  
161 causes include those that resulted from suicide, homicide or  
162 other criminal activity, medical error or complications,  
163 undiagnosed conditions or accidents, or those that were  
164 suspicious for possible abuse or neglect.

165 (25) VERBAL ABUSE. The infliction of disparaging and  
166 angry outbursts such as name calling, blaming, threatening, or  
167 making derogatory comments that demean or could reasonably be  
168 expected to cause shame, ridicule, humiliation, or emotional



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169 distress.

170 (b) The ADMH Division of Developmental Disabilities  
171 shall establish and maintain a Community Incident Prevention  
172 and Management System (IPMS) that provides guidance for  
173 providers for the implementation of an incident prevention and  
174 management system to protect recipients from potential harm.

175 (c) The ADMH Division of Developmental Disabilities  
176 shall design the IPMS to classify all of the following as  
177 critical incidents:

178 (1) Mistreatment, including emotional and psychological  
179 abuse.

180 (2) Physical and sexual abuse.

181 (3) Verbal Abuse.

182 (4) Peer-to-peer physical and sexual assault.

183 (5) Elopement.

184 (6) Unexplained or unexpected death.

185 (7) Exploitation.

186 (8) Major injury.

187 (9) Law enforcement involvement.

188 (10) Medication error resulting in consultation with  
189 poison control, an emergency room visit, urgent care,  
190 hospitalization, or death.

191 (11) Neglect.

192 (12) Rights violation.

193 (13) The misuse or unauthorized use of restrictive  
194 intervention or seclusion.

195 (14) Suicide attempt.

196 (d) The ADMH Division of Developmental Disabilities



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197 shall also design the IPMS to include the following provider  
198 reporting requirements:

199 (1) Incident reports of critical incident types must be  
200 reported to the ADMH Regional Office or another entity as  
201 designated by ADMH within 24 hours of when the provider  
202 becomes aware of the incident.

203 (2) All other incident types not included in subsection  
204 (c) must be submitted at least quarterly to the electronic  
205 incident management system as designated by ADMH.

206 (e) ADMH shall adopt rules and policies to implement  
207 and administer this section, but may not require or adopt more  
208 stringent reporting requirements for critical incidents than  
209 the requirements provided for by this section, unless federal  
210 law or regulations so require.

211 Section 2. This act shall become effective on October  
212 1, 2026.